UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

39 cases, more or less, each case containing 72/100 capsule plastic bottles of an article of drug labeled in part:
(case and bottle)

"*** DDS *** PROBIOTICS *** DDS®-100 (or "DDS® Plus," or "Probioplus DDSG®") *** L. *acidophilus* DDS-1 *** 100 VEG. CAPS *** UAS LABORATORIES *** Eden Prairie, MN ***"

and

5 cases, more or less, each case containing 72/2.5 ounce plastic bottles of powder, an article of drug, labeled in part:
(case and bottle)

"*** DDS *** PROBIOTICS *** DDS® *** Acidophilus ** * *L. acidophilus DDS-1* *** 2.5 oz. POWDER *** UAS LABORATORIES *** Eden Prairie, MN ***"

and
15 cases, more or less, each case containing 72/2.5 ounce plastic bottles of powder, an article of drug, labeled in part:
(case and bottle)
"*** DDS *** PROBIOTICS *** DDS® Plus (or "DDS® Junior")*** *L. acidophilus*

File No. 11-SM- 39 (DSD/JJG)

CLAIMANT UAS LABORATORIES, INC.'S ANSWER TO COMPLAINT

DDS-1 *** 2.5 oz. POWDER *** UAS LABORATORIES *** Eden Prairie, MN ***"

and

6 cases, more or less, each case containing 72/100 tablet plastic bottles of an article of drug labeled in part:
(case and bottle)

"*** DDS *** PROBIOTICS *** DDS® *** Acidophilus * ** *L. acidophilus DDS-1* *** 100 TABLETS *** UAS LABORATORIES *** Eden Prairie, MN ***"

and

17 cases, more or less, each case containing 72/60 capsule plastic bottles of an article of drug labeled in part:
(case and bottle)

"*** CRAN-GYN DDS® *** DDS®-Probiotics *** 60 VEGETARIAN CAPSULES *** UAS LABORATORIES *** Eden Prairie, MN ***"

and

all other articles of drug, in any form (capsules, powder, or tablets), and in any size and type container, which are labeled or otherwise identified as DDS Probiotics, located on the premises of UAS Laboratories, Inc., 9953 Valley View Road, Eden Prairie, Minnesota,

Defendants.

ANSWER TO COMPLAINT

NOW COMES UAS LABORATORIES, INC., by and through its attorneys Wallen-Friedman & Floyd, P.A., having asserted a claim as the owner and claimant of the articles identified in Plaintiff's Complaint for Forfeiture, states its Answer to the Complaint for Forfeiture as follows:

Nature of the Action

1. The Claimant admits that the government seeks seizure and condemnation of certain articles of the Claimant that the government alleges as "new drugs," as described in its caption, but denies that the government is entitled to that relief.

2. The Claimant admits the allegations of paragraph 2, except for the description of the articles as "of drug."

Jurisdiction and Venue

3. The Claimant admits that the government seeks condemnation and forfeiture of defendant articles pursuant to this Court's jurisdiction, but denies the government is entitled to that relief.

4. The Claimant admits that this Court has in rem jurisdiction over the articles because they are located in the District of Minnesota. Claimant further admits that Plaintiff requested this Court issue an arrest warrant in rem and that Plaintiff executed the warrant upon said articles.

5. The Claimant admits that venue in this district is proper.

Basis for Forfeiture

6. The Claimant denies the allegations set forth in paragraphs 5, 6, 7 and 8 of the Complaint and puts the government to the strictest proof thereof. In sum, the Claimant denies that the articles are held legally or that they are liable to seizure or condemnation.

Facts

7. The Claimant admits that it is a distributor of various types of probiotic products and that the website urls set forth in paragraph 9 of the Complaint are used by the Claimant to market and sell its products, but denies the remaining allegations set forth therein.

8. As to paragraph 10, the Claimant admits that the Food and Drug Administration (hereinafter FDA) issued a warning letter to UAS Laboratories, Inc. on May 13, 2005, however the warning letter speaks for itself as to statements made therein. Without admitting any liability, the Claimant did in June 2005 agree to address and did address the issues that the FDA pointed out in its May 13, 2005 Warning Letter.

9. The Claimant admits that the FDA did conduct follow up inspections from 2007 through March 2011, but denies that it committed any illegal conduct and denies any and all allegations related thereto.

Affirmative Defenses

10. Plaintiff's claim is barred in whole or in part by the doctrines of laches, estoppel and waiver.

WHEREFORE UAS LABORATORIES, INC. respectfully requests that this Court deny Plaintiff's prayer for decree of condemnation of the articles, costs, disposal of articles, and other and further relief.

FURTHER WHEREFORE, Claimant requests that this Honorable Court dismiss Plaintiff's claim, order a release of the articles, and award Claimants costs, interest and attorney fees wrongfully sustained.

Dated: June 6, 2011

s/ Paul M. Floyd
Leny K. Wallen-Friedman (MN #233894)
Paul M. Floyd (MN#147953)
527 Marquette Ave. S., Ste 860
Minneapolis, MN 55402
Telephone: (612) 399-0773
Attorney for Claimant
UAS LABORATORIES, INC.

STATE OF MINNESOTA)
)ss
COUNTY OF HENNEPIN)

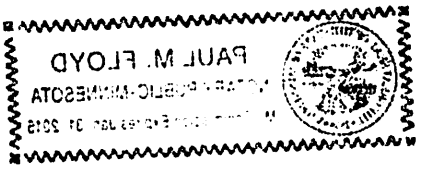
I, Sita K. Dash, Ph.D, being the President of UAS LABORATORIES, INC., claimant in the above-entitled action, being just and duly sworn, say that I have read the foregoing Answer and that it is true and correct.

Subscribed and sworn before me
this 6th day of June, 2011.

Sita K. Dash Ph.D

Notary Public

PAUL M. FLOYD
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2015


PAUL M. FLOYD